

# CINCINNATI POLICE DEPARTMENT



## STAFF NOTES

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*Colonel Thomas H. Streicher, Jr., Police Chief*  
*March 2, 2004*

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<u>ITEM</u>	<u>SUBMITTED BY</u>
1. <a href="#"><u>2004 POLICE YOUTH LIVE-IN</u></a>	COMMUNITY ORIENTED POLICING
2. <a href="#"><u>CAR WASH CONTRACTS</u></a>	FISCAL & BUDGET SECTION
3. <a href="#"><u>2004 MILEAGE REIMBURSEMENT RATE</u></a>	FISCAL & BUDGET SECTION
4. <a href="#"><u>2004 PAY PERIOD CHART</u></a>	FISCAL & BUDGET SECTION
5. <a href="#"><u>COLUMBIA PARKWAY RECONSTRUCTION</u></a>	TRAFFIC SECTION
6. <a href="#"><u>REMINDER OF EMAIL ADDRESS FOR PLANNING SECTION</u></a>	PLANNING SECTION
7. <a href="#"><u>THANK YOU LETTERS</u></a>	CHIEF'S OFFICE
8. <a href="#"><u>REVISION TO THE MANUAL OF RULES AND REGULATIONS AND DISCIPLINARY PROCESS FOR THE CINCINNATI POLICE DEPARTMENT</u></a>	PLANNING SECTION
9. <a href="#"><u>USE OF BEANBAG SHOTGUN REMINDER 12.545, USE OF FORCE</u></a>	PLANNING SECTION
10. <a href="#"><u>REVISION OF PROCEDURE 12.545, USE OF FORCE</u></a>	PLANNING SECTION

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| 11. | <u>REVISION OF PROCEDURE 12.170, CIVIL<br/>DISTURBANCE OPERATION PROCEDURE,<br/>REVISION OF FORM CDOP103, CDOP/CRITICAL<br/>INCIDENT EQUIPMENT INVENTORY</u>  | PLANNING SECTION |
| 12. | <u>REVISION OF PROCEDURE 13.115, OUTSIDE<br/>TRAINING PROGRAMS/COLLEGE ATTENDANCE,<br/>PROCEDURE 16.125, TRAVEL ON CITY BUSINESS,<br/>AND FORM 70T, CINCINNATI POLICE<br/>DEPARTMENT REQUEST FOR OUTSIDE TRAINING</u> | PLANNING SECTION |
| 13. | <u>COMMENDATIONS</u>  | CHIEF'S OFFICE   |

1. 2004 POLICE YOUTH LIVE-IN

The 2004 Police Youth Live-In, sponsored by the National Conference for Community and Justice (NCCJ) and the Police Department, will be held at Camp Joy in Clarksville, Ohio the week of July 26 - July 30, 2004.

This year marks the 35<sup>th</sup> year the Police Department has partnered with NCCJ. The Department is seeking 20 sworn members to volunteer participation in this event (9 male officers, 9 female officers, 1 male supervisor, 1 female supervisor).

Approved volunteers will be detailed on-duty to the event beginning July 26 through July 30, 2004. Each participant will earn an extra two hours of overtime pay per day.

Interested volunteers should submit a written request to their supervisor by Friday, April 2, 2004. After review by the employee's Bureau Commander, the requests will be forwarded to the COP Coordination Unit.

Officers with knowledge of youth interested in participating, who are between the ages of 10-12, should direct them to contact NCCJ at 381-4660 for registration forms.

Further questions can be directed to Lieutenant Larry J. Powell, Community Oriented Policing Coordinator, at line 352-2972.

2. CAR WASH CONTRACTS

Department personnel are advised that as of 2/27/04, **Mr. Car Wash**, 2905 Parkwalk Drive, does not have a contract with the city and cannot be used until further notice.

Other car washes which may be used are:

D1	Parkway Auto Wash	3330 Central Parkway
D2	Rainbow Car Wash	5215 Madison Road
D4	Howdy Car Wash	4444 Reading

3. 2004 MILEAGE REIMBURSEMENT RATE

The mileage rate for reimbursement for the year 2004 has been changed to 38 cents per mile.

4. 2004 PAY PERIOD CHART

[Attached](#) to these Staff Notes is a chart listing the pay periods and pay dates for 2004.

5. COLUMBIA PARKWAY RECONSTRUCTION

Kokosing Construction Company, Inc. will begin reconstruction of the bridge areas on Columbia Parkway in the District One area on March 1, 2004. The actual start date on this project was February 9, but no visible work will begin until March 1, 2004. This is a two year project with the first part to be completed this year, a winter break period, and then the final phase in 2005 with an end date of October 31, 2005.

There will be one lane in each direction kept open for travel on Columbia Parkway during any phase of the construction. However, there will be several detours and the approach and exit from Mt. Adams (Martin Street) will be closed during much of the project. District One has been involved in meetings for this project and should be aware of most of the planned work phases.

The project manager and ODOT were both advised that they should contact the Cincinnati Health Department and District One prior to relocation of any homeless persons that may be residing under the bridge areas. They were alerted to our requirements for notification prior to moving there persons.

The lead personnel for this project and their contact numbers are:

Steve Niemeier	Cincinnati Engineering	513-352-3738
Jeff Ventre	Cincinnati Traffic	513-352-3739
Cory Carfora	ODOT Project Mgr.	513-948-8028
Jim Landon	Kokosing Project Mgr.	614-228-1053

Kokosing will maintain a construction trailer on Eastern Avenue.

**6. REMINDER OF EMAIL ADDRESS FOR PLANNING SECTION**

This is a reminder that Planning Section has an email address to receive electronic copies of proposed Staff Note entries. The mailbox was created in order to eliminate duplication of work. All Staff Note requests must still be sent through proper channels. A copy of the request should also be sent to the Planning Section mailbox. Upon approval of the Staff Note, Planning Section will retrieve the electronic copy and place it in the following week's Staff Notes.

All proposed Staff Notes should be sent, as an attachment, to [Planningsection@cincinnati-oh.gov](mailto:Planningsection@cincinnati-oh.gov) or type "CPD Planning Section" in the "TO" box in the city email. All email sent to this mailbox should pertain to official business only. Any questions should be directed to Planning Section at 352-2966.

**7. THANK YOU LETTERS**

[Attached](#) to these Staff Notes are thank you letters written to the Police Chief for the professionalism displayed by several officers in our Department.

**8. REVISION TO THE MANUAL OF RULES AND REGULATIONS AND DISCIPLINARY PROCESS FOR THE CINCINNATI POLICE DEPARTMENT**

The following revision to the Manual of Rules and Regulations and Disciplinary Process for the Cincinnati Police Department is effective immediately.

- Page 23: Section Fifteen - Disciplinary Table, Section Five - Dishonesty 5.01, 1<sup>st</sup> offense has been changed to "G" Hearing (Dismissal)

Personnel should review the Manual in its entirety. It is available on the Intranet and on the Department web page.

**9. USE OF BEANBAG SHOTGUN REMINDER - PROCEDURE 12.545, USE OF FORCE**

All personnel are reminded to review Procedure 12.545, Use of Force, for the proper use of beanbag shotguns. The following revisions were posted in the 07/29/03 Staff Notes.

- Beanbag shotgun and 40mm foam rounds: The beanbag shotgun and 40mm foam rounds are impact projectile

devices that offer a less lethal alternative that may be used to subdue or incapacitate a subject to prevent imminent physical harm, while maintaining officer safety.

- Beanbag shotgun and 40mm foam rounds may only be used to subdue or incapacitate a subject to prevent imminent physical harm. In certain circumstances, it may be inappropriate to use these impact projectile tools, even if the only alternative is to allow the subject to escape. Officers must consider the severity of the crime at issue, whether the subject poses an immediate threat of imminent physical harm to officers or other persons, and whether the subject is actively resisting arrest.

Procedure 12.545 is available on the Intranet and on the Department web page.

**10. REVISION OF PROCEDURE 12.545, USE OF FORCE**

Procedure 12.545, Use of Force has been revised.

- Section K.6.a. The Form 18NC (Officer's Report of Non-Compliant Suspect/Arrestee) now requires a brief, concise narrative of resistance met and force used. This narrative will be written on the back of the Form 18NC.
- Section K.6.b. The Form 18NC must be reviewed by a supervisor before the end of his tour of duty.

This revision is effective immediately. All personnel are reminded to review this procedure in its entirety. Revised Procedure 12.545 is available on the Intranet and on the Department web page.

**11. REVISION OF PROCEDURE 12.170, CIVIL DISTURBANCE OPERATION PROCEDURE, REVISION OF FORM CDOP103, CDOP/CRITICAL INCIDENT EQUIPMENT INVENTORY**

Procedure 12.170, Civil Disturbance Operation Procedure, has been revised. Section H.6. has been added to address inventory of taser cartridges issued from district/section/unit stock.

This revision is effective immediately. Personnel should review the procedure in its entirety. The revised procedure is available on the Intranet and on the Department web page.

Form CDOP103 has been revised. The section for "Tasers" has been deleted from page 2, and a section for "Taser Cartridges on Hand" has been added.

To access the Form CDOP103, open the Word application. Select "New" in the file menu, select "General Templates" on the right-hand side of the screen and click on Form CDOP103. This revision is effective immediately.

**12. REVISION OF PROCEDURE 13.115, OUTSIDE TRAINING PROGRAMS/COLLEGE ATTENDANCE AND PROCEDURE 16.125, TRAVEL ON CITY BUSINESS AND FORM 70T, CINCINNATI POLICE DEPARTMENT REQUEST FOR OUTSIDE TRAINING**

Procedure 13.115, Outside Training Programs/College Attendance has been revised. The Chief's signature has been deleted from the Form 70T, Request for Outside Training. Section C.1.a.1) was added to reflect that anytime an employee voluntarily requests training and/or travel on City business he will not receive any overtime compensation in excess of an eight-hour day, or forty-hour workweek during the training and/or travel, as well as various other minor changes.

Procedure 16.125, Travel on City Business has been revised. The Chief's signature has been deleted from the Form 70T, Request for Outside Training. The Policy section now reflects that anytime an employee voluntarily requests training and/or travel on City business he will not receive any overtime compensation in excess of an eight-hour day, or forty-hour workweek during the training and/or travel, as well as various other minor changes.

Form 70T, Cincinnati Police Department Request for Outside Training has been revised. The Chief's signature has been deleted and a section has been added stating that anytime an employee voluntarily requests training and/or travel on City business he will not receive any overtime compensation in excess of an eight-hour day, or forty-hour workweek during the training and/or travel.

These revisions are effective immediately. Personnel should review these procedures in their entirety. The revised procedures are available on the Intranet and on the Department web page.

**COMMENDATIONS FOR THE WEEK OF 03/03/04-03/09/04**

**POLICE OFFICER TIMOTHY HAINS  
POLICE OFFICER GARY CHRISTIE  
DISTRICT FOUR  
POLICE SPECIALIST DAVID KENNEDY  
SPECIAL SERVICES SECTION**

On January 24, 2004 at 1041 hours, Mr. Joseph Fioni of 2515 Burnet Avenue, apartment #601, called 911 and reported he was being robbed by two black men who had entered his apartment. Mr. Fioni is wheelchair bound. The 911 call ended abruptly as patrol cars were being dispatched. Officer Timothy Hains, Officer Gary Christie along with Specialist David Kennedy of the Canine Unit, all arrived within three minutes of being dispatched. The officers entered the building and met with a resident in the lobby who stated she had been there for ten minutes and no one had entered or left in that time. Since the twelve-story apartment building has two elevators, the officers decided Specialist Kennnedy and Officer Hains would take separate elevators and Officer Christie would take the stairwell. The only suspect description at that time was two black men, one large and one small, wearing all dark clothing. As Officers Hains, and Kennedy approached the elevators, one of the elevator doors opened. A large black man exited the elevator accompanied by a smaller black man, both of whom were wearing dark clothing. Officers Hains and Kennedy detained these men and took them to the victim's apartment for identification purposes. The victim quickly dismissed the smaller subject but said the larger subject resembled one of his attackers. In addition, the larger subject began shaking and sweating profusely. Officer Hains explained to the subject that he needed to fill out a F.I.R. card and asked for his identification to which the subject replied, "No". Officer Hains conducted a pat down of the subject's outer garments and felt what appeared to be plastic identification cards in his pants pocket. Officer Hains discovered one of these cards was a telephone calling card containing the name of the victim, Joseph Fioni. The subject, Robert Howard, confessed to the crime and identified his accomplice. Mr. Howard directed Officers Christie and Kennedy to his accomplice's location where they arrested him and recovered the remainder of the victim's property. Both subjects were charged with Aggravated Robbery. As a result



of Officer Hains' quick response, fast thinking and dedication to duty, two dangerous individuals were removed from the streets of Cincinnati and a citizen was well served by the Cincinnati Police Department.

**CITY OF CINCINNATI  
2004 PAY PERIODS**

<b>Pay Period</b>	<b>Beginning</b>	<b>Ending</b>	<b>Pay Date</b>
1	12/21/03	01/03/04	01/13/04
2	01/04/04	01/17/04	01/27/04
3	01/18/04	01/31/04	02/10/04
4	02/01/04	02/14/04	02/24/04
5	02/15/04	02/28/04	03/09/04
6	02/29/04	03/13/04	03/23/04
7	03/14/04	03/27/04	04/06/04
8	03/28/04	04/10/04	04/20/04
9	04/11/04	04/24/04	05/04/04
10	04/25/04	05/08/04	05/18/04
11	05/09/04	05/22/04	06/01/04
12	05/23/04	06/05/04	06/15/04
13	06/06/04	06/19/04	06/29/04
14	06/20/04	07/03/04	07/13/04
15	07/04/04	07/17/04	07/27/04
16	07/18/04	07/31/04	08/10/04
17	08/01/04	08/14/04	08/24/04
18	08/15/04	08/28/04	09/07/04
19	08/29/04	09/11/04	09/21/04
20	09/12/04	09/25/04	10/05/04
21	09/26/04	10/09/04	10/19/04
22	10/10/04	10/23/04	11/02/04
23	10/24/04	11/06/04	11/16/04
24	11/07/04	11/20/04	11/30/04
25	11/21/04	12/04/04	12/14/04
26	12/05/04	12/18/04	12/28/04

**Tom Bonhaus Auto Service**  
3151 Harrison Avenue + Cincinnati, OH 45211  
661 - 4665

CINCINNATI Police Dept 2/21/04  
Thomas H. Streicher, Jr.  
Police Chief  
310 EZZARD CHARLES DR  
CINCINNATI, OHIO 45214

Dear Chief Streicher,

I WAS MOST Pleased  
AND Impressed WITH THE  
SERVICE AND HELP I  
RECEIVED FROM OFFICER STEVE  
BROWN BADGE 296 ON 2/20/04.

HIS PROFESSIONALISM AND  
HELP CONCERNING STOLEN  
BUSINESS CHECKS IS VERY MUCH  
APPRECIATED! GREAT ATTITUDE!

Best Regards,

Tom  
Bonhaus

**JAMES NEWELL PERRY**

February 19, 2004

Chief Thomas Streicher, Jr.  
Police Chief, City of Cincinnati  
310 Ezzard Charles Drive  
Cincinnati, OH 45214

Dear Chief Streicher:

The purpose of this letter is to commend Police Officer Grein who did something beyond the call of duty.

Our daughter, Julie Perry, is a Professor at Thomas More College. On the evening of February 17, 2004, at 10:00 p.m. just off northbound Brent Spence Bridge, she experienced a tire failure. She was alone in her car.

She called AAA on her cell phone and awaited assistance.

While she sat in her car on the shoulder of I71/75, a police officer stopped his marked vehicle and asked Julie if he could help.

He volunteered to change her tire.

A tow truck driver also stopped and assisted Officer Grein in changing the tire.

Julie was asked not to get out of the car and stay out of danger. She thanked both men.

As she drove away, she received a telephone call from AAA wanting to know where she was located. Only at that moment did she realize that the tow truck driver that stopped also was a volunteer and assisted the police officer.

Chief Thomas Streicher, Jr.  
Page Two  
February 19, 2004

We are grateful to both men, but we cannot identify the tow truck driver.

Very truly yours,



JULIE'S FATHER  
JAMES N. PERRY

JNP:rh

12.545     USE OF FORCE

**Reference:**

Graham vs. Conner, 490 US 386, 396 (1989)

Tennessee vs. Garner, 471 US 1 (1985)

Manual of Rules and Regulations - 1.22, 1.23, 1.24,  
1.25, 2.12,  
2.26A&B, 4.05

Ohio Revised Code - 2901.01(A)(5) Definitions  
(Serious physical harm to  
persons)

## Procedure 12.140 - Canine Operations

Procedure 12.170 - Civil Disturbance Operation  
Procedure

Procedure 12.550 - Discharging of Firearms by  
Police Personnel

Procedure 12.554 - Investigatory Stops and Field  
Interview Report (FIR)

Procedure 12.600 - Prisoners: Securing, Handling,  
and Transporting

## Procedure 12.905 - Fingerprinting and Photographing of Juveniles

## Procedure 15.100 - Citizen Complaints

***Definitions:***

Actively Resisting: the subject is making physically evasive movements to defeat the officer's attempt at control, including bracing, tensing, or pushing, or verbally signaling an intention to avoid or prevent being taken into or retained in custody.

Force: any physical strike or instrumental contact with a person, or any significant physical contact that restricts movement of a person. The term includes, but is not limited to, the use of firearms, chemical spray, choke holds or hard hands; the taking of a subject to the ground; or the deployment of a canine. The term does not include escorting or handcuffing a person, with no or minimal resistance.

Hard Hands: using physical pressure to force a person against an object or the ground, or use of physical strength or skill that causes pain or leaves a mark; leverage displacement, joint manipulation, pain compliance, and pressure point control tactics.

Serious use of force: any action by a CPD officer that involves: a critical firearm discharge; the use of deadly force; a baton strike to the head; or a use of force in which the person is seriously injured (as defined in ORC 2901.01(A)(5) or requires hospital admission.

Escorting: the use of light pressure to guide a person, or keep a person in place.

Choke Holds: The courts could consider a chokehold or other similar type holds as deadly force. Chokeholds are prohibited unless a situation arises where the use of deadly force is permissible under existing law and Department policy. The use of any type chokehold to prevent the swallowing of evidence is prohibited.

Deadly Force: force likely to cause or capable of producing death.

Self-Defense: protecting oneself or another from physical harm or serious physical harm.

Crowd Management: observing, monitoring, and facilitating the activities of persons assembled.

Crowd Control: The use of police action to stop the activities of persons assembled.

Use of force in crowd management and/or control: Officers will not initiate the use of force or chemical irritant against crowds or a group of individuals except when reasonable and necessary to protect the officer, the subject, or another party from an risk of death or physical harm or is necessary to effect the arrest of an actively resisting subject, or to prevent the escape of that subject.

Officers encountering crowds will address the situation and determine if a need exists or may exist requiring crowd control or crowd management. Prior to police action, the officers will immediately summon a supervisor to the scene. If crowd control is required or will be required, the supervisor will summon a command officer to the scene. Once on the scene, the command officer will direct all police action and authorize the use of weapons, tools or tactics used to resolve the situation. The approval of a supervisor is required any time chemical irritant is used against a crowd, absent exigent circumstances.

The use of force (including the beanbag shotgun, the 40 MM foam round and the pepperball launcher) as well as the use of chemical irritant during periods of civil unrest or for crowd management is restricted. A command officer must be present and must authorize the deployment of these devices, absent exigent circumstances.

Command officers must give verbal notice prior to deploying these devices into a crowd, unless it would present a danger to the officer or others to give such a warning.

Any deployment of the beanbag shotgun, the 40 MM foam round, or the pepperball launcher during crowd management/control requires:

- Specific targeting of a subject by the officer.
- Under no circumstances should any of these devices be deployed into a crowd without first identifying a specific target that represents an imminent risk of death or physical injury to the officer or others.
- The officer must be reasonably sure that the weapons will not strike other individuals in the crowd who pose no threat of violence.

If demonstrators or protesters are in a place they have a legal right to be and are conducting themselves in a non-violent and lawful manner, an officer cannot make their conduct criminal by ordering them to disperse and arresting them if they refuse

***Information:***

Beanbag shotgun and 40mm foam rounds: The beanbag shotgun and 40mm foam rounds are impact projectile devices that offer a less lethal alternative that may be used to subdue or incapacitate a subject to prevent imminent physical harm, while maintaining officer safety.

These types of police tactical tools have been designed for law enforcement to assist in resolving situations, which could otherwise result in the use of deadly force.



They are designed to enable officers to subdue or incapacitate a subject, in order to prevent imminent physical harm to the officer or another person, by allowing the officers to maintain greater distance between themselves and the subject. Most of the time these tactical tools are used when a subject is armed with or simulating the possession of a potentially deadly instrument and often is someone who is emotionally disturbed, intoxicated, or suicidal. These tools are designed to de-escalate the deadly force potential and allow the subject to be controlled by a lower level of force.

Use of these types of tactical tools is reasonable in situations when allowing the subject to leave would pose an imminent continuing threat to others, including the subject.

These types of impact projectiles may not be used to prevent theft or minor vandalism.

Beanbag shotgun and 40mm foam rounds may only be used to subdue or incapacitate a subject to prevent imminent physical harm. In certain circumstances, it may be inappropriate to use these impact projectile tools, even if the only alternative is to allow the subject to escape. Officers must consider the severity of the crime at issue, whether the subject poses an immediate threat of imminent physical harm to officers or other persons, and whether the subject is actively resisting arrest.

PR-24: The PR-24 is an impact tool that offers a less lethal method for subduing and apprehending violent and/or actively resisting subjects. Compared to empty hand counter strikes, the PR-24 is less likely to cause injury to the officer and provides added distance from the subject. Officers should target a subject's torso, arms, and legs, and avoid, unless threatened with serious physical harm, the subject's head, throat, neck, heart, and groin.

Pepperball: The Pepperball launcher is a non-lethal tool, according to the manufacturer, and provides another alternative to assist in apprehending violent and/or actively resisting individuals while maintaining officer safety. This impact and chemical irritant device is capable of incapacitating subjects, thereby reducing their ability to continue aggressive action.

Taser: The X26 taser is an electronic control device that is a non lethal force alternative used to assist officers in the performance of their duties. The X26 taser is designed to temporarily immobilize a non-compliant, violent or potentially violent subject. It generates electricity in a small, hand held battery operated unit about the size of a handgun. When properly used, the taser generates an electrical current that dominates the existing neuromuscular and sensory nervous system. Subjects become physically incapacitated and unable to control muscular movement, allowing officers to gain control.

The X26 taser electronic control device may be used in situations where time and conditions permit. The taser can be an extremely effective control device for close range incapacitation. Only officers successfully completing the Department X26 taser training program will use the taser. The taser should never be aimed at the subject's head, neck, eyes, or groin.

Each X26 taser has an internal tracking chip. This chip will store the time and date of the last 2000 times the trigger was engaged on the taser. The information stored in the data chip can be retrieved by supervisors utilizing the dataport on the rear of the weapon. By attaching the dataport cable to the weapon, the information can be downloaded into our current computer system.

Chemical irritant: Chemical irritant offers a non-lethal alternative for controlling, subduing, or apprehending a suspect(s). Chemical irritant will leave an invisible ultraviolet, light-sensitive dye on an individual, which can aid in identification.

The use of chemical irritant, including the use of chemical irritant against a crowd or a group of individuals is only permitted in those cases in which such force is necessary to protect the officer, the subject, or another party from physical harm, or is necessary to effect the arrest of an actively resisting subject, or prevent the escape of that subject.

Chemical irritant is the primary response to prevent persons from swallowing evidence or contraband. The use of chemical irritant on an individual attempting to swallow evidence or contraband is only permitted when:

- there is a clear indication that the object or substance in the subject's mouth is contraband.
- there are exigent circumstances such as the imminent destruction of evidence or medical emergency.
- The officer has issued, and the subject refused to comply with a verbal command to spit out any contraband.

Personnel may only use chemical irritant to control a resisting subject when verbal commands and other techniques that do not require the use of force would be ineffective, or where issuing verbal commands would present a danger to the officer or others. A verbal warning must be issued to the subject that chemical spray will be used prior to the use of chemical spray, unless it would present a danger to the officers or others to issue such a warning and, when feasible, the officer will defer using chemical spray for a reasonable time to allow the subject to comply with the warning. Chemical irritant should only be aimed at the subject's face and upper torso.

***Policy:***

Cincinnati Police Officers must recognize and respect the value and dignity of every person.

In vesting officers with the lawful authority to use force to protect the public's welfare, a careful balancing of all human interests is required.

Courtesy in all public contacts encourages understanding and cooperation. The most desirable method for effectuating an arrest is where a suspect complies with simple directions given by an officer.

When officers are confronted with a situation where control is required to effect arrest or protect the public's safety, officers should attempt to achieve control through advice, warnings, and persuasion.

The suspect should be allowed to submit to arrest before force is used, unless this causes unnecessary danger to the officer or others.

When officers have a right to make an arrest, they may use whatever force is reasonably necessary to apprehend the offender or effect the arrest, and no more. Just as officers must be prepared to respond appropriately to rising levels of resistance, they must likewise be prepared to immediately de-escalate the use of force as the subject de-escalates or comes under police control. They must avoid using unnecessary violence. Their privilege to use force is not limited to that amount of force necessary to protect themselves or others, but extends to that amount reasonably necessary to enable them to effect the arrest of a resistant subject.

Force situations often do not allow for ordinal progression up a continuum of force and officers must be ready to escalate or de-escalate as the situation evolves.

Disengagement is a reasonable option in consideration of officer safety and the necessity to apprehend immediately. Disengagement, area containment, surveillance, waiting out a subject, summoning reinforcements or calling in specialized units may be an appropriate response to a situation and should be considered.

Force options may be used simultaneously, for instance, combining verbal commands with use of chemical irritant. The officer must choose the necessary response based on law, department policy, training, and experience.

The officer must exercise proper use of force decision making, which means the use of reasonable force, including proper tactics, and de-escalation techniques.

All members of the CPD have a duty to ensure that use of force and any citizen allegation of excessive force are reported to the Police Department. Whenever employees use deadly force, force, hard hand tactics, chemical irritant, or confronts resistance that results in an injury or complained of injury to a citizen, or have knowledge of any of the above, or are aware of a citizen complaint of excessive force they will immediately notify a supervisor. The supervisor or command officer investigating the incident must be of at least the next higher rank than the officer(s) who used force.

The only exception is when a lieutenant uses force and there is no captain or above working, but an acting night chief (lieutenant) is available. In this case, the acting night chief can conduct the investigation.

Officers who use excessive force will be subject to discipline, possible criminal prosecution, and/or civil liability.

Following any use of force resulting in a citizen's injury, officers will ensure appropriate first aid is rendered immediately once the incident scene is stabilized.

## Use of Force Continuum

SUBJECT RESISTANCE	FORCE OPTIONS	OFFICER / SUBJECT FACTORS
<p><b>Compliant / Cooperative</b> Complies with verbal commands and other directions</p> <p><b>Uncooperative</b> Fails to respond to verbal commands or other directions.</p> <p><b>Active Resistance</b> Subject is making physically evasive movements to defeat the officer's attempt at control, including bracing, tensing, or pushing, or verbally signaling an intention to avoid or prevent being taken into or retained in custody.</p> <p><b>Assault or Threat of Assault</b> Subject assumes fighting stance, charges, strikes, or kicks an officer or verbally or physically indicates intent to commit an assault combined with the subject capability to assault</p> <p><b>Life Threatening Assault or Assault Likely to Cause Serious Physical Harm</b> Subject commits an attack using an object, a weapon, or an empty hand assault, wherein the officer reasonably believes the assault will result in serious physical harm and/or death</p>	<p>Officer Presence</p> <p>Verbal Skills</p> <p>X26 taser/Chemical Irritant</p> <p>Escort Techniques</p> <p>Restraining Techniques</p> <p>Balance Displacement</p> <p>Hard Hands (Pressure Points/Strikes)</p> <p>PR-24 (Baton)</p> <p>Less Than Lethal Beanbag Shotgun 40 mm Foam Round Pepperball Launcher</p> <p>Deadly Force</p>	<p>Physical Size</p> <p>Influence of alcohol or drugs on subject</p> <p>Subject's mental capacity or impairment</p> <p>Multiple suspects</p>
		<b>SPECIAL CIRCUMSTANCES</b>
		<p>Environmental Factors</p> <p>Distance from subject</p> <p>Officer injury / exhaustion</p> <p>Proximity of weapon</p> <p>Officer on ground</p> <p>Special knowledge</p> <p>Crime involved</p> <p>History / knowledge of subject</p>

Each force situation is unique and this continuum is intended only as an illustration of the various force options that are available to an officer facing a given level of subject resistance. This continuum is not intended to preclude a force option when that option would not exceed the amount of force reasonably necessary to effect a lawful arrest (Graham v. Connor, 490 U.S. 386 (1989)). Good judgement and the circumstance of each situation will dictate the level on the continuum of force at which an officer will start. Depending on the circumstances, officers may find it necessary to escalate and de-escalate the use of force by progressing up and down the force continuum. It is not the intent of this continuum to require officers to try each of the options before moving to the next, as long as the level of force used is reasonable under the circumstances. Disengagement, area containment, surveillance, waiting out a suspect, summoning reinforcements or calling in specialized units may be an appropriate response to a situation.

**Procedure:****A. Use of Beanbag Shotgun**

1. Two supervisors' cars and ten beat cars in each district are equipped with beanbag shotguns.
  - a. Supervisors are responsible for loading beanbag shotguns.
  - b. Never load regular shotgun ammunition into beanbag shotguns or vice versa.
2. A beanbag shotgun shell is a standard 2 3/4 inch, 12 gauge shotgun shell with a transparent hull for easy identification.
  - a. Stocks on beanbag shotguns are orange and clearly labeled as "less lethal."
3. Beanbag shotguns will be carried with four rounds loaded in the magazine tube and no round in the chamber. They will be de-cocked with safety on, in secured boxes, in the trunks of vehicles.
  - a. A breakaway seal will be on each box.
  - b. Do not remove and inspect the beanbag shotgun at the beginning of each shift.
    - 1) Open the trunk and check the seal. If the seal is intact, the weapon is ready to be used.
    - 2) If the seal is broken, call for a supervisor to inspect the weapon and reseal the box.
4. If the shotgun is removed during the shift, a supervisor must inspect the shotgun and reseal it in the box.
5. Supervisors will ensure beanbag shotguns are evenly disbursed geographically throughout each district.
6. Neither permission from nor the presence of a supervisor is required for officers to use beanbag shotguns, except in crowd control situations.

- a. The presence of a second officer is highly recommended in the event the officer using the beanbag shotgun encounters lethal resistance.
7. Where the distance between the officer and the target makes it practical, verbal warnings will be given prior to use, absent exigent circumstances. Where feasible, officers will allow a reasonable time between the warning and use of the beanbag shotgun.
8. When using a beanbag shotgun, the manufacturer's recommended distance is no less than 20 feet and no more than 75 feet from a suspect. Beanbag rounds have an optimal effective range of 20 to 50 feet with a maximum effective range of 75 feet.
  - a. Using a beanbag shotgun within 20 feet of an individual increases the chance of serious injury. In cases involving self defense, defense of another, or a situation where the round is used as an alternative to deadly force, when deadly force would be appropriate, the use of the beanbag round at a distance less than 20 feet is acceptable.
  - b. If serious injury requiring hospitalization occurs from using a beanbag shotgun, follow the notification process for shots fired as outlined in Procedure 12.550.
9. When using a beanbag shotgun, target a specific part of the body. Avoid the head, neck, heart, and groin areas, if possible.
  - a. Take any individual struck with a beanbag round to University Hospital for medical evaluation.
10. While multiple beanbag rounds may be expended as necessary, no more than two beanbag shotguns should be simultaneously deployed on an individual.
11. If four rounds prove to be ineffective, officers need to consider another option.



12. After using a beanbag shotgun, and after an individual is under control, immediately notify onlookers that a beanbag shotgun, not a regular shotgun, was used. Inform the onlookers that the beanbag shotgun is a less lethal alternative designed to apprehend individuals without causing serious injury.

a. Officers are exempt from the notification requirements during incidents involving civil unrest.

B. Use of 40mm Foam Round

1. A 40mm foam round launcher will be assigned to each district.

2. The 40mm foam round consists of a soft rubber sponged nose attached to a hard plastic carrier.

3. The 40mm foam round launcher is a single shot shoulder mounted weapon.

a. A holographic sight is attached to the launcher to assist with aiming and shot placement.

4. Only supervisors and officers trained in the use of the 40mm foam round launcher are permitted to use the weapon.

a. The presence of a second officer is highly recommended in the event the officer using the 40mm foam round launcher encounters lethal resistance.

b. Where the distance between the officer and the target makes it practical, verbal warnings will be given prior to use, absent exigent circumstances. Where feasible, officers will allow a reasonable time between the warning and use of the foam round.

c. If serious injury requiring hospitalization occurs from using a 40mm foam round, follow the notification process for shots fired as outlined in Procedure 12.550.

5. When using the 40mm foam round, target a specific part of the body. Avoid the head, neck, heart, and groin areas, if possible. The 40mm exact impact sponge round will prove most successful for incapacitation when used within its optimal energy range of approximately 10 to 75 feet, although it may be used in situations from 5 to 120 feet.
  - a. Take an individual struck with a 40mm foam round to University Hospital for medical evaluation.
6. If four rounds prove to be ineffective, officers need to consider another option.
7. After using the 40mm foam round launcher, and after an individual is under control, inform onlookers that the 40mm foam round is a less lethal alternative designed to apprehend individuals without causing serious injury.
  - a. Officers are exempt from the notification requirements during incidents involving civil unrest.

C. Use of Pepperball

1. Pepperball launchers will be assigned to the districts at the discretion of the Police Chief.
2. The Pepperball round consists of a small hard plastic sphere containing OC pepper powder.
3. The Pepperball launcher is a semi-automatic shoulder mounted, high capacity weapon powered by compressed air.
  - a. Each district will be assigned one SCUBA compressed air tank and a Pepperball fill adapter.
  - b. Any member of Cincinnati Fire Squad 52 can refill SCUBA tanks at the firehouse at 5th and Central Avenues.
4. Only supervisors and officers trained in the use of Pepperball launchers are permitted to use the weapons.

- a. The presence of a second officer is highly recommended in the event the officer using Pepperball encounters lethal resistance.
  - b. If serious injury requiring hospitalization occurs from the use of Pepperball, follow the notification process for shots fired as outlined in Procedure 12.550.
5. When using Pepperball, aim at center mass. Avoid the head, neck and groin areas if possible. The effective range of the Pepperball is 0 to 30 feet for targeting individuals and up to 100 feet for area saturation according to manufacturer's specifications.
  - a. Generally, four to ten rounds should be deployed at a subject. More rounds may be utilized, if in the opinion of the officer, the additional rounds will assist in gaining compliance of the individual.
  - b. Heavy clothing can hinder the effectiveness of the Pepperball rounds. If a subject is wearing heavy clothing, consider targeting the legs.
  - c. Subjects struck with Pepperball rounds often lower their head and turn away from the source of impact. It is important to anticipate this reaction when employing Pepperball rounds.
  - d. Decontamination for individuals exposed to Pepperball OC powder is fresh air and clear cool water.
6. Pepperball rounds can be used to saturate an area with OC powder by aiming the rounds at solid objects such as buildings, walls or the ground.
7. After using Pepperball, and after the individual is under control, inform onlookers that Pepperball is a non-lethal alternative designed to apprehend individuals without causing serious injury.

- a. Officers are exempt from the notification requirements during incidents involving civil unrest.

D. Use of the X26 Taser:

1. Use the taser to control actively resisting subjects, aggressive non-compliant subjects, violent or potentially violent subjects. Unless it would present a danger to the officer, give the subject a verbal warning that the taser is going to be deployed.
  - a. Officers should avoid using the taser on obviously pregnant females and those individuals under the age of 7 or over the age of 70, unless the encounter rises to the level of a deadly force situation. This restriction is based on the potential for these individuals to fall when incapacitated by the taser.
  - b. Officers should avoid using the taser on individuals who are on an elevated surface unless the encounter rises to the level of a deadly force situation.
2. Officers should, if possible, obtain backup before using the taser to control the subject.
  - a. Deploy personnel in such a manner that will enable them to use other appropriate means to subdue the subject if the taser is ineffective.
  - b. Officers will use caution and avoid standing near the subject.
3. Depressing the taser trigger will propel two darts from the attached cartridge. Once the taser is fired it will automatically cycle for five seconds. The officer can turn the taser off before the 5-second cycle stops, however it is recommended that officers let the taser cycle for the full 5 seconds. This will maximize the effectiveness of the taser. Officers should give commands to the suspect and attempt to gain compliance.

- a. It is necessary for both darts in a cartridge to hit some part of the suspect's clothing or body for total incapacitation. However if only one dart penetrates the subject the taser will be partially effective. Should this occur and the subject continues aggressive behavior, place the taser against the subject's body to complete the circuit. This will cause complete incapacitation.
  - b. The X-26 taser has a red dot laser, and a built in flashlight that will engage as soon as the taser is turned on. Both of these features can be turned off if desired.
4. If a first shot does not make contact or is ineffective the officer may attempt a second shot. If a taser shot does not make contact or is ineffective the taser may be used in the stun mode. The taser can operate in the stun mode with or without the **fired** cartridge attached. You cannot use the taser in the stun mode with a non-fired cartridge attached to the taser.
- a. The X26 Taser operates as a stun gun device. The carotid/brachial, groin, and common peroneal are the preferred areas of the body to "drive stun". A drive stun is described as pushing the taser aggressively against the subject's body while pulling the trigger. This will deliver a shock to that area of the body. A drive stun is intended to gain compliance from actively resisting subjects, aggressive non-compliant subjects, violent or potentially violent subjects.
  - b. Due to the high voltage electronic spark of the taser, never fire the taser near flammable materials (such as chemical irritant with an alcohol based propellant, gasoline, kerosene or in a natural gas environment).
  - c. After an officer has fired a taser cartridge a new cartridge will be issued to the officer by their immediate supervisor.

5. Medical Treatment Guidelines:

- a. Officers will obtain appropriate medical treatment for suspects when necessary. After successful taser deployment, request CFD respond to evaluate subject.
- b. Officer may remove darts embedded in a subject's skin using the appropriate technique provided the darts are not embedded in soft body tissue, i.e. genitals, breast tissue or any area above the collar bone.
  - 1) If the darts are embedded in the soft body tissue described above, transport the subject to University Hospital for treatment and dart removal.
  - 2) Used taser cartridges and darts are considered a biohazard. Place the used cartridge and darts in a biohazard receptacle at a fire station or hospital.

E. Use of Chemical Irritant:

1. Unless it would present a danger to the officer or another, a verbal warning to the individual that chemical irritant will be used must be issued prior to use.
2. Where feasible, officers will defer using the chemical irritant a reasonable time to allow the individual to comply with the verbal warning.
3. Officers may only use chemical irritant on a restrained individual when the restrained individual or another person is likely to suffer injury or to escape, absent the use of the chemical irritant.
4. If it is necessary to use chemical irritant on a violent prisoner after handcuffing and placing him in the rear seat of the police vehicle, officers will not open the rear doors of the police vehicle to spray the prisoner. Instead officers will spray the prisoner through the protective screen.

- a. If the vehicle is equipped with a plexiglass partition, officers can either slide the partition to an open position and spray the prisoner through the opening, or through the rear door window nearest the prisoner's face.
  - b. This should be rare and used only after officers issue a verbal warning and when other uses of force would be ineffective.
5. When spraying chemical irritant, if possible spray five to ten feet from an individual using a 3 second burst(s). The target should be an individual's face and upper torso.
6. Officers may not keep a sprayed individual in a face-down position any longer than necessary to handcuff or end the threat of harm or escape.
7. Absent exigent circumstances, officers will offer to decontaminate every sprayed individual within 20 minutes of the use of chemical irritant.
  - a. Expose individuals sprayed with chemical irritant to fresh air. Give them an opportunity to rinse their face with plenty of clear, cool water or the use of a decontamination wipe.
  - b. Individuals should not rub or hold their faces, or use any oils, creams, or ointments.
8. Officers are required to request medical assistance for sprayed individuals in the following circumstances:
  - a. When the individual complains of continued effects after having been decontaminated.
  - b. The individual indicates that they have a pre-existing medical condition (e.g. asthma, emphysema, bronchitis, heart ailment, etc.) that may be aggravated by the chemical irritant.

- c. Immediately transport any subject 13 years of age and older suspected of putting in his mouth, swallowing or attempting to swallow evidence or contraband to University Hospital. Immediately transport any persons arrested under 13 years of age suspected of putting in their mouth, swallowing or attempting to swallow evidence or contraband to Children's Hospital.



***Reporting Use of Force***

<b>Force used</b>	<b>Reporting requirement</b>
Deployment of police canine (no bite)	Form 18C, explaining circumstances that led to the deployment.
Escorting or handcuffing a person, with no or minimal resistance	No special reporting required other than the narrative of the arrest report
“Hard hands” use of force by means of leverage displacement, joint manipulation, pain compliance, and pressure point control tactics; without injury or complained of injury	The arresting officer(s) will be required to notify a supervisor and document a narrative account of the subject’s form(s) of resistance and the officer’s specific defensive tactic used to overcome that resistance in the narrative of the arrest report and complete an officer’s report of non-compliant suspect/arrestee form report to be reviewed and approved by a supervisor. The use of force report will require the officer to identify the events leading up to the use of force and the supervisor will be required to evaluate the tactics used by the officer.
Force using any physical strike or instrumental contact with a person; chemical irritant; choke holds; deployment of a canine resulting in a bite; beanbag shotgun and forty millimeter foam rounds; taser; pepperball; and any use of force resulting in injury or complained of injury or allegation of excessive force	Supervisors will be called to the scene and conduct a supervisory investigation including the supervisor’s narrative description of the events preceding the use of force, the officer(s)’ description of events, and audio taped statements of all witnesses including the officer(s), subject(s), medical treating personnel (if practicable), and third-parties. For chemical irritant use, taped statements are only required if the use occurs after handcuffing.
All serious uses of force (as defined in the definition section of this order) and all canine bites which cause serious injury or hospital admission	CIS and IIS will respond to the scene of, and investigate

F. Reporting a Use of Force:

1. The investigating supervisor will immediately notify the district/section/unit OIC (officer in charge), if on duty, or the Night Chief, if on duty. The use of force will not be investigated by any officer who used force or chemical irritant during the incident, whose conduct led to the injury to a prisoner, or who authorized the conduct that led to the reportable incident.
  - a. If none of the above are on duty, ensure the next command officer is notified when he comes on duty.
  - b. Contact the IIS (Internal Investigation Section) Commander and the officer's district/section/unit commander for all serious uses of force (as defined in the definition section of this order) and all canine bites which cause serious injury or hospital admission.
  - c. Contact the IIS (Internal Investigation Section) Commander and the officer's district/section/unit commander if more than the necessary amount of force appears to have been used, or the injuries are inconsistent with the reported force.
2. The supervisor will conduct a preliminary fact finding interview of any witnesses and officers at the scene, and search for evidentiary materials. The supervisor will then conduct a thorough investigation and evaluate the propriety of the action taken. The supervisor or command officer investigating the incident must be of at least the next higher rank than the officer(s) who used force. The only exception is when a lieutenant uses force and there is no captain or above working, but an acting night chief (lieutenant) is available. In this case, the acting night chief can conduct the investigation.
  - a. Other than a simple use of chemical irritant, a supervisor will ensure neutral officers transport the prisoner to a detention facility or hospital, if applicable.

- 1) Officers may remove a prisoner to a safe location to prevent an escalation of the incident.
- b. Detail supervisors will be responsible for the investigation of a use of force involving officers under their supervision.
- c. A supervisor in the district where the force occurred will investigate and report incidents when the officer is off duty.
  - 1) If a use of force occurs outside the city limits, a supervisor from the closest district will investigate the incident.
- d. If an officer is involved in a use of force outside a 50-mile radius of the city, the officer will immediately contact a PCS (Police Communications Section) supervisor and notify him of the use of force. The officer will leave a phone number where he can be contacted.
  - 1) PCS will contact the involved officer's assigned district/section/unit commander and notify him of the incident.
  - 2) The district/section/unit commander will call the officer to determine the correct course of action.
3. After the preliminary fact finding interview, tape record all further interviews with the arrested, civilian witnesses, and police officer witnesses in incidents involving canine bites or the physical use of force. Attach the interview tapes to the original report.
  - a. The tape recorded interview will contain the following information:
    - 1) Date, time, and location of interview.
    - 2) Interviewer's name and title.

- 3) Reason for the interview, e.g., "I am investigating the arrest of John Doe, which took place at 1012 Ludlow Avenue."
  - 4) Identity of the person interviewed.
  - 5) Explanation of what happened with specific reference to how the injury occurred. Do not ask leading or suggestive questions.
- b. If more information is needed, ask the appropriate questions.
  - c. Upon completion, conclude the taped interview by identifying yourself, the person interviewed, and state the time; e.g., "This is Sgt. Saunders concluding this interview with Mr. John Doe. The time is 2000 hours."
4. The investigating supervisor will interview and examine the subject of the use of force. Be sure the arrested is fully aware of the supervisor's rank and purpose of the interview. The supervisor is responsible for examining the subject for any injuries and is responsible to ensure that necessary medical attention is secured.
    - a. The investigating supervisor will take Polaroid photographs of the subject. Take specific photos of any injury, or claimed injury, to the subject.
      - 1) The investigating supervisor will record his name, badge number, date, time, and name of the subject on the photographs. Attach the photographs to the original report.
    - b. Anytime the subject of a use of force goes to a hospital, a supervisor will respond and:
      - 1) Ask permission of the medical staff to view the arrested to note the total extent of the injuries.
      - 2) Interview the arrested. Tape record the interview.

- 3) Interview the treating physician. Tape record the interview if the physician permits it. Include the diagnosis in the report.
    - a) If the treating physician cannot release a diagnosis of the subject's injuries due to doctor-patient confidentiality, the supervisor will note it in the report.
  - 4) If possible, obtain a hospital and Department release for medical records from the arrested. Attach the release to the original investigative report.
  - 5) Note on the Form 18F if the subject refuses treatment at the hospital.
5. If the arrested is seriously injured (as defined in this policy) or admitted to a hospital, immediately notify the IIS Commander, the district/section/unit commander of the involved officer, the CIS (Criminal Investigation Section) Commander, and the Night Chief/Duty Officer if on duty.
- a. Incidents involving the self-ingestion of contraband are exempt from the procedure.
  - b. The Homicide Unit and IIS will conduct an investigation with the assistance of the affected district/section/unit when the injury is a result of the use of force.
    - 1) The district/section/unit commander will coordinate the investigation in the absence of an IIS investigator.
      - a) The CIS and IIS Commanders will forward all findings and reports to the Police Chief's Office through command channels.

- b) When IIS or the Homicide Unit is conducting the use of force investigation, the unit responsible for the primary investigation will complete a Form 18F.

6. The investigating supervisor will complete a Form 18F.

- a. Ensure all blocks are completed. Multiple blocks may be checked, as applicable, in the following defined categories:

Ceased All Movement: Subject fails to comply with verbal commands from an officer to submit to arrest and abruptly stops all movement. This is often a behavioral cue that the subject is forming a plan to resist the officer.

Conspicuously Ignoring: Subject fails to comply with verbal commands from an officer to submit to arrest and fails to respond to questions or orders, refuses to acknowledge the officer's presence, engages in other activities, or attempts to leave the area.

Resistive Tension: Subject fails to comply with verbal commands from an officer to submit to arrest and makes body rigid by tensing the muscles. Can be full body resistance or a particular body part. Goal of the action is to prevent control by means of superior strength.

Exaggerated Movement: Subject fails to comply with verbal commands from an officer to submit to arrest and exhibits rapid body movements, such as flailing of the arms, excited pacing, bouncing or similar actions. Actions are often behavioral cues indicating preparation for physical exertion to avoid having the officer take control.

Excessive Emotional Tension: Subject fails to comply with verbal commands from an officer to submit to arrest and is belligerent, yelling or argumentative towards the officer or another person. Actions are often behavioral cues indicating preparation for physical exertion to avoid having the officer take control.

Combative/Assaultive: Subject fails to comply with verbal commands from an officer to submit to arrest and attempts, threatens or succeeds in physically assaulting an officer or another person by means of body weapons (hands, feet kicks, punches, elbow strikes spitting, biting etc.)

Armed: Subject fails to comply with verbal commands from an officer to submit to arrest and displays or claims to possess a weapon, threatens to obtain or use a weapon, makes overt actions consistent with being armed, or is reported to be armed.

- b. Include concise statements addressing corroboration or contradiction for each witness.
- c. Type a brief summary of the Use of Force incident on the Form 18F that includes the following information.
  - 1) Decision to arrest, including the basis for the stop and seizure
  - 2) How the subject resisted arrest
  - 3) Subject's resistive behavior
  - 4) Officer's tactics and actions to counter resistance/assault
  - 5) The supervisor's analysis of the propriety of the officer(s) use of force
- 7. The investigating supervisor will complete a Citizens Complaint Form (Form 648), if while investigating a use of force, the individual alleges excessive force. He will investigate the complaint thoroughly while all participants and witnesses are present. See Procedure 15.100 for routing of the form.
- 8. The investigating supervisor will ensure the completion of and sign the Form 527 (Arrest and Investigation Report) and Form 527A (Case and Bond Information Sheet) listing the prisoner's physical condition. The Form 527 will accompany the prisoner to Central Intake at the Hamilton County Justice Center.

9. The investigating supervisor will immediately facsimile the Form 18F to the following locations:
  - a. Police Chief's Office
  - b. Internal Investigations Section
  - c. Patrol Bureau
  - d. Inspections Section
10. The original report and one copy will be forwarded to the involved officer's assigned district/section/unit commander. The district/section/unit commander will review the original report and complete a use of force supplement. Within seven days, the district/section/unit commander will forward, in a sealed envelope, the taped statements, photos, and original report to the Police Chief's Office through the affected bureau commander.
  - a. Inspections Section will file the photographs and tapes with its copy of the Form 18F.
11. If an additional investigation is required, note it on the supplement.
12. The investigating supervisor will make a blotter entry describing the incident and action taken.
13. Following each use of force investigation conducted by a supervising officer, an officer at the rank of lieutenant or higher will review the investigation, identify any discrepancies, and require the supervising officer who conducted the investigation to correct any such deficiencies. Appropriate non-disciplinary corrective action and/or disciplinary action will be taken when a supervising officer fails to conduct a thorough investigation or fails to properly adjudicate an incident, or when a reviewing lieutenant neglects to recommend appropriate corrective action.



- G. Reporting Process for Use of Taser/Beanbag Shotgun/40 mm Foam Round/Pepperball Launcher
1. Supervisors must complete a detailed Form 18TBFP after any officer uses one of the above devices. The Form 18TBFP must be completed whether or not an individual is struck with a beanbag, 40 mm, or Pepperball round.
    - a. After each taser deployment, the investigating supervisor will retrieve the data stored on the taser data chip, print out the taser data port download and record the necessary information on the Form 18TBFP.
    - b. Complete a Form 18T (Taser Silhouette Report) for taser use and attach to the Form 18TBFP.
      - 1) Report any accidental discharges or discharge at an animal on a Form 17 and route via chain of command.
    - c. Facsimile the Form 18TBFP to the following locations:
      - 1) Police Chief's Office
      - 2) Patrol Bureau
      - 3) Inspections Section
    - d. Send the original report and one copy to the district/section commander. After review, the district/section commander will forward the original report to Inspections Section through the affected bureau commander.
    - e. No supplementary report is necessary unless requested by the Police Chief or bureau commander.
    - f. The relief officer in charge is responsible for providing a media voice mail, as soon as possible after the incident, describing the incident and the use of the taser/beanbag shotgun/40mm foam round/Pepperball launcher.

2. The investigating supervisor will make a blotter entry describing the incident and action taken.

H. Reporting Process for an Injury to Prisoner:

1. Supervisors will complete a Form 18I for any injury to the arrested, not the result of the use of force, while under or just prior to police control, and as a result of police activity.
2. The narrative section of the Form 18I will be brief and concise. If the incident also involved the use of chemical irritant, the narrative must address the circumstances warranting chemical irritant usage as well as the circumstances of the injury.
3. Facsimile the Form 18I to the following locations:
  - a. Police Chief's Office.
  - b. Patrol Bureau.
  - c. Inspections Section.
4. Forward the original Form 18I along with the photographs to the district/section/unit commander for review.
5. The investigating supervisor will make a blotter entry describing the incident and action taken.

I. Reporting Process for Use of Chemical Irritant

1. Supervisors will complete a Form 18CI when reporting the use of chemical irritant.
  - a. Facsimile copies to:
    - 1) Patrol Bureau
    - 2) Inspections Section
  - b. Forward the original report to the involved officer's assigned district/section/unit commander. After review, the district/section/unit commander will forward the original report to Inspections Section through the affected bureau commander.

- c. Keep a copy for the unit files.
  - 2. The investigating supervisor will make a blotter entry describing the incident and action taken.
  - 3. Inspections Section will maintain and file all Forms 18CI.
- J. Priority of Forms:
- 1. If more than one act by an individual occurs (e.g., use of force and a use of beanbag shotgun), only one report is needed.
  - 2. Listed below is the order in which a report is made, with "a" being the highest priority:
    - a. Use of Force
      - 1) Include taser/beanbag shotgun/40mm foam round/Pepperball information, if applicable.
      - 2) Include canine information, if applicable.
    - b. Taser/Beanbag Shotgun/40mm Foam Round/Pepperball
      - 1) Include canine information, if applicable.
    - c. Canine
    - d. Injury to Prisoner
    - e. Chemical Irritant
    - f. Officers' report non-compliant suspect/arrestee
- K. Documentation Needed for Each Form:
- 1. Form 18F (Supervisor's Use of Force Investigation Report):
    - a. Taped statement
    - b. Photos

- c. Medical release (if treated)
- d. Summary of doctor's diagnosis (if treated)
- 2. Form 18TBFP (Use of Taser /Beanbag Shotgun / 40 mm Foam Round / Pepperball):
  - a. Taped statement
  - b. Photos
  - c. Medical release (if treated)
  - d. Summary of doctor's diagnosis (if treated)
  - e. Taser data port download
- 3. Form 18C (Use of Canine - Canine Bite):
  - a. Taped statement
  - b. Photos
  - c. Medical release (if treated)
  - d. Summary of doctor's diagnosis (if treated)
- 4. Form 18CI (Use of Chemical Irritant):
  - a. Short narrative
  - b. No photos
  - c. No taped statement unless subject was handcuffed at the time.
- 5. Form 18I (Injury to Prisoner):
  - a. Photos only
  - b. No taped statement
- 6. Form 18NC (Officers' report of non-compliant suspect/arrestee):
  - a. Brief, concise narrative of resistance met and force used

- b. Supervisor review before end of tour
  - c. Copy for district files, original to Inspections Section
- 7. Place all reports, attachments and other documentation in the Use of Force Case Jacket with the routing label attached and forward to the District/Section/Unit commander.
- L. Responsibilities of Inspections Section to insure policy and procedure compliance and implementation:
  - 1. Inspections Section will review, and evaluate in writing, and submit for Chief's approval all supervisor reported use of force, use of beanbag shotgun, 40mm foam round, PR-24, and all canine bites (except those causing serious injury or hospital admission).
  - 2. Inspections Section will review, evaluate, and submit for Chief's approval all investigations of chemical irritant use on handcuffed individuals.
  - 3. Inspections Section will review all Officer's Report of Non-Compliant Suspect/Arrestee for trends and training issues.

## 12.170 CIVIL DISTURBANCE OPERATION PROCEDURE

### **Reference:**

Procedure 12.145 - Critical Incident Response Plan  
 Procedure 12.160 - Rumors/Potential Civil Disturbances  
 Procedure 12.165 - Emergency Recall and Test Recall  
 Procedure 12.171 - Use of the Mobile Command Center  
 Procedure 12.175 - Use of Special Weapons and Tactics Unit  
 Procedure 12.545 - Use of Force  
 Ohio Revised Code 2917.04 - Failure to disperse

### **Definitions:**

**Command Post Call Number** - District Command Posts are designated by the word "District" and district number followed by the words "Command Post" (e.g., District One Command Post, District Two Command Post, etc.)

**Police Command Center (PCC)**- Established when the Police Chief, or in his absence an Assistant Police Chief, orders recall of police personnel. The Center is located at 310 Ezzard Charles Dr. in the Chief's conference room.

**Emergency Operations Center (EOC)** - Established when the City Manager orders recall of all City departments' personnel. Police Communications Section (PCS) maintains the recall list. It is located at the Water Works Facility on 4747 Spring Grove Avenue.

**Staging Area Call Number** - District Command Post number followed by the beat, which the staging area is located (e.g. 1002: District One/Beat 2, etc.)

**Standby Cars** - One supervisor and two, two person, units designated daily from each district and shift for rapid deployment to any location for a variety of critical incident situations.

**Field Command Vans** - Each district is equipped with a van designed for supplying Department personnel the tactical equipment needed for handling critical incidents and civil disturbances. Districts should consider their Field Command Vans as rolling armories.

Any equipment in their armory, (gas masks, riot shields, riot helmets, shotguns, beanbag shotguns, 40mm foam round, Pepperball, ammunition, etc.) which has a primary purpose of supporting field operations, should be placed within the Field Command Van.

**Alert Cars** - Two, two person, units assigned to patrol that part of their district closest to the trouble area. Alert cars are NOT dispatched on routine radio runs.

**District Platoons** - Each district will identify a platoon of officers to assist with managing civil unrest and/or crowd management. A platoon will consist of a platoon leader (lieutenant), assistant platoon leader (lieutenant or sergeant) and six squads. During periods of civil unrest, the district will be advised on how many squads to deploy. Squads not utilized can remain in the district to perform routine patrol duties.

**Squads** - A squad consists of a squad leader (lieutenant or sergeant) and ten officers. Squads are deployed as a group and should be kept together. Squad responsibilities can vary from static posts to patrolling trouble areas or as logistical support, (e.g. prisoner processing, prisoner transport, staging area security). A multi passenger van should be utilized for squad transportation. Two squad members will be designated as grenadiers and shall be equipped with beanbag shotguns. During instances requiring mass arrests, squads can be subdivided to allow for two arrest teams of four officers each.

**Squad Call Numbers** - Squads are issued two digit call numbers. The first number identifies the district/section/unit where the squad originated. The second number indicates which squad from that district/section/unit, e.g. Squad 52: District Five, 2<sup>nd</sup> Squad.

**SWAT Response Teams** - SWAT response teams consist of a team leader (sergeant) and from five to nine officers. Each SWAT response team operates in a caravan of between three and five marked police vehicles. SWAT response teams can deploy in either uniform of the day or in SWAT uniform. SWAT response teams are dispatched to trouble areas involving shots fired, officer or citizen rescue, or crimes in progress (e.g. Aggravated Riot, Riot, Assault, Breaking and Entering, Vandalism, Criminal Damaging, Arson, etc.)

Each SWAT response team is equipped with tactical weapons to facilitate their response to critical incidents requiring tactical intervention.

**Risk Management Teams** - Risk Management Teams are comprised of personnel from the Internal Investigations Section and the Inspections Section. A Risk Management Team consists of two to four supervisors and officers. Risk Management Teams respond to handle citizen complaints and use of force investigations, including the completion of any related reports associated with a complaint or use of force.

**Crowd Management** - Observing, monitoring and facilitating the activities of persons assembled.

**Crowd Control** - The use of police action to stop the activities of persons assembled.

**Phase II Notification List** - List of persons notified by PCS for Phase II

**Chain of Notification Recall Roster** - List of alternate personnel notified by PCS, if they are unable to reach the number one person on the Phase I - Phase II Notification Lists

**Fire Department Strike Team** - Three engine companies

**Fire Department Task Force** - Three engine companies, two ladder companies and one staff officer

***Purpose:***

Provide Department members with a plan of action during civil disturbance operations.

Enhance the mobilization of personnel and equipment to quell disturbances, which could escalate into more serious situations.

Provide for the integration of Hamilton County police agencies, Ohio National Guard, Ohio State Highway Patrol (OSHP), and federal troops with Department personnel.

***Policy:***

During a Phase II through a Phase IV, the following procedures are in effect.



1. Curtail routine radio dispatches and routine police duties.
2. Immediately direct rumors and other information pertaining to racial problems, civil disturbances, or police involvement to the Emergency Operations Center (EOC), located at the Water Works Facility on 4747 Spring Grove Avenue.
3. Assign a subordinate to command officers and supervisors as a recorder, driver, etc., as soon as personnel become available.
4. Request aid or assistance from sources internal or external to the Cincinnati Police Department through the EOC.
5. The Cincinnati Police Department may be placed on 12-hour shifts, and may have off days, off time, and vacations cancelled.
  - a. Only the Police Chief or Acting Police Chief can initiate a 100 percent recall.

Fire or police command officers' will designate operational zones during civil disturbances as follows:

1. Green Zone
  - a. Indicates areas of the City not involved in hostile activities and no anticipation of hostile activities developing.
  - b. Normal activities will continue within this zone, although operations may be modified as the citywide situation escalates and various criteria are implemented.
  - c. Fire Department personnel will respond into this zone without police escort.
2. Yellow Zone
  - a. Indicates areas where hostile activities are not presently occurring but are deemed likely to develop.
  - b. Closely monitor personnel safety operations with caution being exercised during all activities.

- c. Fire Department personnel may request a police escort to enter this zone.
- 3. Red Zone
  - a. Indicates areas where civil disorder is known to be occurring.
  - b. Fire Department personnel will not enter this zone without a police escort.

**Information:**

To control a variety of situations, ranging from small crowds to riotous conditions, the Department has provided a systematic approach to personnel mobilization. Depending upon the gravity of the situation, an Alert, Phase I, Phase II, Phase III, or Phase IV may be initiated as it becomes apparent additional personnel and equipment are needed to contain the situation.

**Procedure:**

A. Standby Cars

- 1. Each district is responsible for identifying one supervisor and two, two person, patrol units as standby cars at the beginning of each tour of duty. These standby cars are designed for rapid deployment to any location for a variety of critical incident situations.
  - a. After deployment of the first set of standby cars, the unaffected districts will establish a second set of standby cars. Deployment of this second set of standby cars constitutes an Alert.

B. Alert

- 1. When an event with a potential for problems is known in advance, a captain or above can initiate a Planned Alert. When an event occurs without warning, a sergeant or above can initiate a Spontaneous Alert.
  - a. The initiation of an Alert does not necessarily commit personnel to the scene. It provides district supervisors with adequate standby personnel if needed.

2. When an Alert is initiated, all supervisors in the trouble area will maintain a log of events.
3. PCS will:
  - a. Initiate a radio broadcast, mobile data terminal (MDT) transmission, and teletype message indicating an Alert.
    - 1) Make a follow-up telephone call to each district.
  - b. Notify the officer in charge (OIC) of each district, Criminal Investigation Section (CIS), and Special Services Section (SSS).
  - c. Notify the bureau commanders or alternates.
  - d. Dispatch to the command post Alert cars only when requested by the OIC at the trouble area.
  - e. Not dispatch Alert cars on routine radio runs.
  - f. Transfer the "alert" cars from their assigned locations within the Computer Aided Dispatch System (CAD) to US PA (Unit Status - Alert Dispatch Group). This will create a file listing all car numbers and officers assigned as alert units.
  - g. Clear the file contents when the incident has secured.
4. Each district OIC will:
  - a. Field two two-officer patrol unit Alert cars.
  - b. Ensure a replacement Alert car(s) is fielded, in anticipation of a Phase I, should the initial Alert car(s) respond to the scene.
    - 1) Transmit the radio call numbers of the Alert cars to PCS immediately.

5. Alert cars will patrol that part of their district closest to the trouble area, and respond to the scene only if dispatched by PCS.
  - a. Respond to the command post when dispatched.
6. Responsibility of returning unused vehicles is the responding officers' district OIC.
7. The OIC at the trouble scene will establish a command post if the Alert cars are requested to respond.
  - a. When the 10 initial Alert cars are dispatched to the scene, the OIC must establish a Phase I to obtain the 10 standby cars established under Section B.4.b.

C. Phase I

1. A Phase I may be initiated without having previously been in an Alert status, or may follow a situation where initial Alert cars have been exhausted.
2. The district supervisor (sergeant or above) initiating a Phase I will immediately furnish PCS with the following information.
  - a. A brief account of conditions necessitating the Phase I.
  - b. The location of the forward command post and staging area.
3. The initiating supervisor in the trouble district will select a driver/recorder and:
  - a. Ensure the seven critical tasks have been implemented (refer to procedure 12.145)
  - b. Establish fixed posts, as necessary (e.g., vulnerable properties, observation posts, roadblocks, etc.)
    1. Transmit this information to PCS as soon as possible.

4. PCS will immediately:
  - a. Dispatch to the staging/command post area two two-officer patrol units from each district.
  - b. Dispatch the district commander, or in his absence, the ranking district supervisor.
  - c. Notify command officers as directed by the Phase I Notification List.
  - d. Notify Department units by radio, MDT, and Teletype that a Phase I is in effect, followed by a telephone call to each unit.
    - 1) PCS will notify all persons on the Phase I Chain of Notification Recall Roster that a disturbance is in a formative stage.
  - e. Dispatch one two-officer patrol unit, as an escort, to the location where each Fire Department Strike Team and Task Force is formed, when requested by the Fire Department.
    - 1) The Fire Department may also request assignment of a one two-officer patrol unit, as an escort, to each Rescue Unit.
  - f. Assign Park Unit personnel to the District Five OIC and Traffic Unit personnel to the District One OIC.
5. The OIC of each district and section will begin forming on-duty personnel into two-officer patrol units, and notify PCS of radio call numbers.
  - a. The OIC will identify officers who will be formed into squads in the event of a Phase II.
  - b. Personnel will not respond to the disturbance unless dispatched by PCS.

- c. A request for additional supervisors at the trouble scene will be honored by using supervisors from those districts or sections having more than one supervisor on duty.
  - 6. Districts and sections will initiate internal operation plans. The OIC will notify district/section commanders.
    - a. If the district station is not endangered by the disturbance, it will not be necessary to deplete personnel by assigning station guards or special guard details.
  - 7. Initiate a Phase V if the disorder is contained and quelled.
- D. Phase II
- 1. Only the Police Chief or an assistant police chief can initiate a Phase II.
    - a. The Chief or an assistant police chief will provide PCS instructions indicating the number of off-duty personnel to be recalled, and those units that should be held on duty beyond their normal working hours.
  - 2. Patrol Bureau and Resource Bureau Commanders will take charge of field operations and communications. Each commander will work 12-hour shifts.
  - 3. Administration Bureau and Investigation Bureau Commanders will take charge of prisoner processing and internal investigations. Each commander will work 12-hour shifts.
    - a. Risk Management Teams will be formed to respond to citizen complaints and use of force investigations and reporting.
  - 4. The Evidence/Property Management Section Commander will take charge of supplies and equipment and personnel transportation requirements including supply and equipment movement.

5. PCS will immediately:
  - a. Dispatch the requested number of squads identified by each district and section under Phase I to the command post or staging area.
  - b. Notify Department units by radio, MDT, and Teletype that a Phase II is in effect.
    - 1) Follow-up will be via a telephone call to each police district and section.
      - a) Each section will notify its units.
  - c. Provide recall and other instructions given by the command officer initiating the Phase II.
  - d. Activate the Police Command Center at the order of the Police Chief.
  - e. Activate the EOC at the order of the City Manager.
  - f. Notify all personnel on the Phase II Notification List.
  - g. Dispatch one, two-officer patrol unit, as escort, to the location where each Fire Department Strike Team, Task Force, and Rescue Unit is located.
    - 1) These patrol units will remain with Fire Department personnel at all times, including standby periods.
    - 2) Additional personnel may be requested by police officers if necessary.
6. The OIC at the Command Post will:
  - a. Assign responding personnel using the district beat plan.
    - 1) Supervisory personnel from outside the trouble district will maintain their permanently assigned call number.

- b. Revise the emergency lineup and transmit it to PCS immediately.
- 7. All units will initiate internal operation plans.
  - a. Units instructed to recall personnel will identify officers who can be utilized in forming squads.
    - 1) Assign remaining recalled personnel into two-officer cars.
    - 2) Prepare a revised lineup and transmit it to PCS immediately.
  - b. Units not instructed to recall personnel will continue to operate with two-officer teams formed under Phase I.
  - c. District stations not endangered by the disturbance will not deplete personnel by assigning station guards or special guard details.
- 8. The SWAT Coordinator will form SWAT personnel into SWAT response teams.
  - a. Recall additional SWAT personnel to allow SWAT members to be on duty during each shift if the Phase II continues beyond the current shift.
    - 1) Do not use SWAT response team personnel for other duties so they are available for dispatch in the shortest time possible.
    - 2) Ensure the commanding officers of SWAT personnel are notified of SWAT assignments.
- 9. Police personnel who encounter a sniper or an armed barricaded person will immediately summon a SWAT response team.
  - a. If needed, a squad may be dispatched in addition to a SWAT response team to assist in securing the outer perimeter.



## 10. Mutual Aid

- a. The Police Chief may request aid from other police agencies within Hamilton County through the Hamilton County Sheriff.
  - 1) Make every effort to integrate these officers with Department personnel to provide communications, power of arrest, knowledge of the area, etc.

11. Initiate a Phase V if the disorder is contained and quelled.

## E. Phase III

- 1. The City Manager or Mayor can initiate a Phase III. It involves integrating the Ohio National Guard Troops or Ohio State Highway Patrol (OSHP) with Department personnel.
  - a. The average response time to Hamilton County by the OSHP is twenty minutes. The average response time of the Ohio National Guard, with force, is eleven to twelve hours.
  - b. Make every effort to integrate these personnel with Department personnel to provide communications, powers of arrest, knowledge of the area, etc.
- 2. PCS will alert all units that a Phase III is in effect.
- 3. All police units will initiate Phase III internal operations plan.
- 4. Initiate a Phase V if the disorder is contained and quelled.

## F. Phase IV

- 1. The City Manager or Mayor through the Governor can initiate a Phase IV. It involves the integrating of federal troops with the Ohio National Guard troops, OSHP, and Department personnel.
  - a. Make every effort to integrate these personnel with Department personnel to provide communications, powers of arrest, knowledge of the area, etc.

2. PCS will alert all units that a Phase IV is in effect.
3. All police units will initiate Phase IV internal operations plans.
4. Initiate a Phase V if the disorder is contained and quelled.

G. Phase V

1. A Phase V is the decreasing of personnel strength as the seriousness of the disorder decreases.
2. A Phase V is initiated by the OIC once the disorder is brought under control. It can be initiated after a Phase I, II, III, or IV.
3. Prepare after action reports using log sheets maintained by supervisors, as directed in the after action report procedure contained in each unit's internal Civil Disturbance Operation Procedure (CDOP) plan.
4. Hold a critique of operations in conjunction with all primary, backup, and supporting agencies.

H. CDOP Equipment Inventory and Inspection/  
Facilities Security and Maintenance Inspection

1. The 4<sup>th</sup> Sunday of every month, each district/section/unit will conduct an inspection and inventory of all items listed on the CDOP Equipment Inventory (Form CDOP 103 and CDOP 103A, Facility Security and Maintenance Inspection).
  - a. A unit supervisor designated by the unit commander has direct control of the inspection.
    - 1) Accuracy of the report and the readiness of the equipment are the responsibility of this supervisor.
  - b. Prepare Form CDOP 103 in duplicate
    - 1) Insert "DNA" in the appropriate column if an item is not assigned.

- 2) Check the applicable block on the reverse side of Form CDOP 103.
- 3) Explain in the "Remarks" section of the Form CDOP 103 any discrepancies between the equipment assigned and the equipment on hand.
- 4) Account for weapons kept at places other than police facilities or assigned to non-Department personnel on the reverse side of the Form CDOP 103.
  - a) List the location, manufacturer's name and type, and serial and butt numbers of the weapon assigned.
  - b) Inspect and clean all firearms when necessary to prevent rust.
    - 1] This inspection may be more frequently than the quarterly inspections, if needs dictate.
- 5) Record the serial number of all weapons on the Form CDOP103.  
(Shotguns, Beanbag Shotguns, Pepperball launcher, 40mm Foam Round launcher)
- 6) Submit a Taser Cartridge Spreadsheet listing serial numbers of cartridges issued from district/section/unit's stock and email list to Supply Unit.
- c. Take immediate action to replace or repair inoperative, defective or missing equipment.
- d. The district/section/unit commander will review and sign the completed Form CDOP 103 and CDOP 103A.
  - 1) Route the completed Form CDOP 103 and Form CDOP 103A to Patrol Administration. Patrol Administration will forward the forms to Tactical Planning Section.
    - a) Tactical Planning will forward a copy of the CDOP103 Form to

Supply Unit. Supply Unit will  
update the Master Inventory  
Database.

- 2) Retain a duplicate copy of Form CDOP  
103 and CDOP 103A in the unit file.

## 13.115 OUTSIDE TRAINING PROGRAMS/COLLEGE ATTENDANCE

### **Reference:**

AFSCME/City Labor Contract  
Procedure 16.125 - Travel on City Business  
Personnel Policies and Procedures - Section 3.7  
Administrative Regulation #13 - Travel Outside of Cincinnati on City Business

### **Information:**

Outside training includes job-related conventions, professional conferences, workshops, seminars, and special training events sponsored by agencies other than the Cincinnati Police Department. Exempt from this procedure are City of Cincinnati sponsored seminars of several hours to one day duration covering a limited subject such as payroll preparation, personnel related forms or processes, Equal Employment Opportunities matters, etc. Also exempt from this procedure are Department personnel attending college or training on their own time and at their own expense.

### **Procedure:**

#### A. Evaluating Training Requests

1. Training requests are evaluated using the following criteria:
  - a. Is there need for the training?
  - b. Will the employee and/or Department benefit from this training?
  - c. Are funds available?
  - d. Is the training job related? If not, is it related to the applicant's career plan?
  - e. Does the Training Section already provide this training? Is the same quality training available elsewhere at a more reasonable cost?
  - f. Have others in the same unit attended this training?

- B. Order for Processing the Outside Training Request Packet
  - 1. Applicant
  - 2. Immediate supervisor
  - 3. District/section/unit commander
  - 4. Bureau Commander
  - 5. Training Section
  - 6. Resource Bureau Commander
    - a. Fiscal & Budget Section
      - 1) Training/Asset Forfeiture Committee
  - 7. Police Chief
  - 8. Fiscal & Budget Section
  - 9. Training Section
  - 10. Applicant
- C. Process for Requesting to Attend Outside Training Programs
  - 1. Applicant responsibilities
    - a. Contact the Training Section to obtain an Outside Training Request packet. This packet consists of a Form 70T, Request for Outside Training, a Form 70S, Request for Permission to Travel, and the employee's training record.
      - 1) Anytime an employee voluntarily requests training and/or travel on City business he will not receive any overtime compensation in excess of an eight-hour day, or a forty-hour workweek during the training and/or travel.
      - 2) A Form 70S is not necessary if the training is free, is held within the Interstate 275 loop (Ohio only), and reimbursable fees are not involved (i.e., lodging, meals, gas, parking fees, etc.). Out-of-state travel

regardless of cost requires a Form 70S.

- 3) Follow all instructions in the packet for completing the request.
- b. The applicant will submit the completed Outside Training Request packet to his immediate supervisor.
  - 1) Include a copy of the training record.
  - 2) Include brochures, announcements, and registration forms with the completed packet.
  - 3) Submit requests as far in advance as possible. However, if the training date is less than four weeks away, personnel may expedite the request by hand carrying the request through proper channels to the Training Section.
- c. The Training Section will notify the applicant if the request was approved or disapproved using a Disposition Notification Form 17.
  - 1) If the request is approved, follow the instructions in the Outside Training Request packet to complete the travel and/or training arrangements.
    - a) See the Outside Training Request packet for information on prepayment or billing of certain expenses, as stipulated in Administrative Regulation #13 - Travel Outside of Cincinnati on City Business.
- d. After returning from the training, complete and submit a Form 71S, Statement of Travel Expense, through the chain of command to the Fiscal & Budget Section.
  - 1) See the Outside Training Request packet for instructions on completing Form 71S.

e. Evaluation of Outside Training Request/  
Certificate

1) Each attendee will complete the Evaluation of Outside Training Request (preprinted Form 17) no later than two weeks after returning to duty. Route the completed form and a copy of any certificate of completion, if issued, through the chain of command to the Training Section.

a) Failure to complete and submit the Evaluation of Outside Training Request will result in the applicant receiving no credit for the training and disapproval of future training.

f. The Department employee may be required to prepare and submit a lesson plan on the subject(s) addressed in the training program. The employee may serve as an instructor on this topic to train other employees during recruit or in-service training.

2. Immediate supervisor responsibilities

a. At the time the request is submitted, ensure the training packet is complete, with all required information.

b. Review, evaluate, and recommend approval or disapproval on the Form 70T using the criteria in Section A.1. of this procedure. Sign and date in the designated space on the rear of the Form 70T.

c. Forward the request to the district/section/unit commander.

3. District/section/unit commander responsibilities

a. Review, evaluate, and recommend approval or disapproval on the Form 70T using the criteria in Section A.1. of this procedure.



- b. Forward the request to the bureau commander.
  - c. The district/section/unit commander will receive a copy of the applicant's Disposition Notification Form 17 stating the disposition of the request.
  - d. On approved requests, ensure the applicant follows the instructions for making the necessary arrangements and completing necessary paperwork.
4. Bureau commander's responsibilities
- a. Review, evaluate, and recommend approval or disapproval on the Form 70T using the criteria in Section A.1. of this procedure.
    - 1) If approved, forward the request to the Training Section.
    - 2) If disapproved, return the request to the applicant back through the appropriate chain of command.
5. Training Section responsibilities
- a. Upon request, ensure the requesting person receives the Outside Training Request packet.
  - b. Ensure all returned forms are properly completed.
  - c. Review, evaluate, and recommend approval or disapproval on the Form 70T using the criteria established in Section A.1. of this procedure.
  - d. Forward the request with the recommendation to the Resource Bureau Commander.
  - e. Attach a copy of the applicant's training record.
6. Resource Bureau Commander will:
- a. Submit the request to the Fiscal & Budget Section to verify available funds.

- b. Convene the Training/Asset Forfeiture Committee for review of the request.
  - c. Return the completed packet to the Fiscal & Budget Section regardless of approval status.
7. Fiscal & Budget Section will:
- a. Send the original Form 70S to the Police Chief for approval.
  - b. Send a copy of Form 70S and the remainder of the travel packet to the Training Section.
8. Training Section will:
- a. Send copies of the Disposition Notification Form 17 and Evaluation of Outside Training Request to the applicant if the request is approved.
    - 1) Send the original Disposition Notification Form 17 and Evaluation of Outside Training to the applicant's district/section/ unit commander.
    - 2) The applicant is responsible for all travel arrangements.
    - 3) Route the Form 70S and other related documents to the Fiscal & Budget Section for processing.
    - 4) Review the Evaluation of Outside Training Request submitted by the employee for the value of the program, and the possible impact on future training programs.
  - b. Notify the applicant and the applicant's district/section/unit commander through the proper Bureau Commander using a Disposition Notification Form 17 if the request is disapproved.
    - 1) Training Section will send a copy of the disapproved request to the Fiscal & Budget Section when necessary.

#### D. Advance for Expenses

1. An advance of funds will be permitted to cover expenses only in cases of extended stay (i.e. Southern Police Institute or FBI Academy).
  - a. Traveler should prepare a Form 70S detailing the estimated dollar amount for out-of-town travel and indicating the amount of the travel advance request.
2. The Police Chief must approve the travel advance request.
  - a. If approved, Fiscal & Budget Section will prepare a Form 37S, Claim Voucher, requesting an advance in the name of the traveler for the amount of the travel advance. This is required at least 14 days before the scheduled trip.

#### E. College Attendance

1. The Police Department encourages college attendance.
  - a. No member may attend college while on duty.
    - 1) Personnel attending classes during scheduled work hours will use accumulated compensatory, holiday, or vacation time.
2. Tuition reimbursement
  - a. Each request is judged on the following criteria:
    - 1) Is the course related to current duties or an aid to promotion?
    - 2) Is the course part of a degree program?
      - a) Electives may be covered if they are part of a degree program.
  - b. Request for reimbursement must be filed and approved before course registration.

- 1) Prepare and submit through the unit commander a Form 80S, Application and Approval Form for Tuition Reimbursement.
- 2) The unit commander will review the Form 80S and forward the request to the Fiscal & Budget Section.
- 3) Fiscal & Budget Section will forward the Form 80S to the Human Resources Director for completion of Part 2.
  - a) After the Human Resources Director signs off, the Form 80S is returned to Fiscal & Budget Section.
  - b) Fiscal & Budget Section will forward the Form 80S to the bureau commander for approval. After approval, the form is returned to Fiscal & Budget.
- 4) After completing the course work, the Department member must send a copy of his paid receipt for the course and a grade transcript to Fiscal & Budget Section.
- 5) Non-sworn personnel, except divisions 0 and 8, may request the following tuition reimbursement for up to six (6) credit hours per quarter for completed work at an accredited educational institution.
  - a) 100% tuition reimbursement for grade of "A".
  - b) 80% tuition reimbursement for grade of "B".
  - c) 60% tuition reimbursement for grade of "C".
  - d) 80% tuition reimbursement for grade of pass in a pass/fail course.
  - e) 0% tuition reimbursement for grade of fail in a pass/fail course.

- 6) Tuition reimbursement for sworn personnel
  - a) To be eligible to participate in the tuition reimbursement benefit, sworn police officers must meet the conditions set forth in Section 3.7 of the Personnel Policies and Procedures.
  - b) Reimbursement for up to six (6) credit hours per academic session is based on the following:
    - 1] 100% tuition reimbursement for grade of "A".
    - 2] 80% tuition reimbursement for grade of "B".
    - 3] 60% tuition reimbursement for grade of "C".
    - 4] 80% tuition reimbursement for grade of pass in a pass/fail course.
    - 5] 0% tuition reimbursement for grade of fail in a pass/fail course.
  - c) Plus or minus grades have no effect on the reimbursement received by the employee.
- 7) Fiscal & Budget Section will process the receipt and grade transcript for reimbursement.

## 16.125 TRAVEL ON CITY BUSINESS

### **Reference:**

Procedure 13.115 - Outside Training Programs/College Attendance  
Administrative Regulation #31 (dated 02-03-97)  
FOP/City Labor Agreement  
AFSCME/City Labor Agreement  
City Finance Bulletin

### **Definitions:**

**Out-of-town travel** is any travel which extends beyond any of these counties: Butler, Clermont, and Warren Counties in Ohio, Dearborn and Franklin Counties in Indiana, and Boone, Kenton, and Campbell Counties in Kentucky. Any travel which requires an overnight stay regardless of the location is considered out-of-town travel.

### **Purpose:**

Establish uniformity for obtaining approval to travel on City business.

Facilitate reimbursement of expenditures incurred during travel.

### **Policy:**

The Police Department will avoid overtime expense for travel days, etc., by rescheduling off days if possible. Employees traveling on City business will adhere to their appropriate contract regarding the number of hours they can work in a week. Anytime an employee voluntarily requests training and/or travel on City business he will not receive any overtime compensation in excess of an eight-hour day, or forty-hour workweek during the training and/or travel.

### **Procedure:**

#### A. Out of Town Travel on City Business

1. The Police Chief must approve all out-of-town travel on City business.

2. District or section commanders can give permission for out-of-town travel if it is in conjunction with an investigation that would be jeopardized by further delays.

a. Department personnel will complete a Form 70S, Request for Permission to Travel, immediately upon return.

1) Submit one Form 70S for all personnel traveling to the same location for the same reason.

B. Form 70S, Request for Permission to Travel

1. Police personnel desiring to represent the Department at a conference, training program, or any out-of-town City business will submit a Form 70S. Route the Form 70S through channels with the appropriate documentation according to Procedure 13.115, Outside Training Programs/College Attendance.

a. Department personnel anticipating out-of-town travel should submit the Form 70S at least six weeks in advance.

1) Submit one Form 70S for all personnel traveling to the same location for the same reason.

b. If a unit coordinates travel for members of various units (e.g., Training Section for a training session), the coordinating unit will forward a copy of the Form 70S to each traveler. The traveler will review, sign, and return it to the coordinating unit.

c. Submit the Form 70S through channels for review by Fiscal & Budget Section and approval by the Police Chief.

d. If needed, Department personnel will arrange for a vehicle from within their bureau for out-of-town travel. Before traveling, the employee will have a Municipal Garage mechanic check the vehicle to be sure it is suitable for travel.

2. A Form 70S is not needed for travel, which does not require an overnight stay, to the following locations. Instead, note in the unit blotter:
  - a. Any location in Franklin County, Ohio
    - 1) Ohio Liquor Board
    - 2) Ohio Department of Transportation
    - 3) Other governmental offices
  - b. London, Ohio
    - 1) Ohio Peace Officer Training Academy
    - 2) Bureau of Criminal Investigation and Identification
    - 3) Other state offices
  - c. Courts in the State of Ohio which issue a subpoena
  - d. Other municipalities in the Greater Cincinnati area
3. The Department requires a Form 70S prior to travel to any of the above locations if the traveler anticipates tuition, fees, or other reimbursement.
  - a. For reimbursement of college tuition, see Procedure 13.115.
  - b. If the traveler uses a personal vehicle for travel to any location listed above and requests reimbursement, the traveler will submit a Form 70S through proper channels for approval prior to the travel.

C. Expenditures

1. Advance funds
  - a. The City will, under exceptional circumstances, advance funds for travel on City business.



- 1) Funds will generally be advanced for travel over an extended period of time. (FBI Academy or Southern Police Institute)
  - 2) When an employee receives advanced funds, the employee must repay the advance within 10 days of receipt of reimbursement following the travel (see Section C.2., Reimbursement).
- b. If it is necessary to pay for certain items in advance (registration, lodging, airline tickets, etc.), the employee will request direct payment of such items. Take the following steps:
- 1) Prepare a Form 70S for the total estimated amount of expenses.
    - a) Attach supporting documentation.
    - b) Highlight the item that must be paid in advance.
  - 2) If payment is due by a certain date, highlight this on the front of the Form 70S.
    - a) Submit Form 70S at least six weeks prior to the date needed to allow enough time for processing.
      - 1] If less than six weeks, contact Fiscal & Budget Section.
  - 3) Fiscal & Budget Section will issue a check to the travel agency, hotel, agency offering training, etc.
  - 4) Request reimbursement for any remaining expenses in the normal manner by completing a Form 71S, Statement of Travel Expense.

## 2. Reimbursement

- a. The traveler will report expenses on a Form 71S and submit the form with original receipts to the Fiscal & Budget Section within three working days after returning to duty.
- b. Fiscal & Budget Section will prepare a Form 37S, Claim Voucher, made payable to the traveler.
- c. The completed Form 37S will be returned to the traveler for review and signature.
- d. The Finance Department will forward a check, payable to the traveler, to the Police Chief's Office.
- e. For information on reimbursements where an advance was made, contact the Fiscal & Budget Section.

## D. Reimbursable Items

### 1. Transportation

- a. Common Carrier - Passenger receipt and boarding passes required upon return
  - 1) The actual cost, but not in excess of coach tourist airline fare.
  - 2) The cost of transportation to and from terminals and local travel expenses (bus, rented car, or taxi).
- b. Personal Vehicle
  - 1) Restricted to Ohio or a radius of 300 miles from Cincinnati.
    - a) If permitted to exceed the 300 mile limit, the City will limit reimbursement to the lower of either the coach tourist airline fare or the number of miles driven on City business multiplied by the current mileage rate.

- 2) Reimbursement at the current mileage rate as outlined in the Finance Bulletin. The City will also reimburse tolls and parking fees. Original receipts are required.
- 3) Travelers may be required to carpool when attending the same out of town training.
- 4) Use of a personal vehicle is not reimbursable if use of a City vehicle was approved on the Form 70S. If extenuating circumstances (i.e., sudden unavailability of a City vehicle) necessitate use of a personal vehicle, send through the channels the documentation and written approval of the district or section commander.

c. City Vehicle

- 1) The City will reimburse tolls and parking fees and the actual cost of gasoline (receipt required).
- 2) Prudent use of the City vehicle is permitted for private reasons (e.g., dining, shopping, etc.).

2. Lodging - receipt required

- a. Must be in the medium price range for the locale.
- b. Travelers may be required to share double occupancy accommodations when attending the same training.
- b. The traveler will get accommodations as close as possible to the travel destination.

3. Meals

- a. The City will pay the traveler a \$36 daily meal allowance. This will eliminate the need for food receipts and itemized meal listings.

b. Breakfast on the day of departure will not be reimbursed.

c. For partial days which do not involve an overnight stay, the daily allowance is subdivided as follows:

Breakfast - \$8.00

Lunch - \$8.00

Dinner-\$20.00

d. Meals provided as part of the seminar or conference will not be reimbursed.

d. If the price of a banquet is not included in the fees or travel expenses, the City will reimburse any additional cost above the particular meal allowance (receipt required).

#### 4. Miscellaneous expenses

a. The City will allow incidental expenses (telephone calls, registration fees, etc.) related to City business at actual cost (receipt required).

b. The traveler can make one personal telephone call upon arrival and up to three each week thereafter, of reasonable duration.

a) The cost will not exceed \$10.00 for the first personal call or \$30.00 per week for all personal calls.

c. For periods in excess of three weeks, reimbursable expenses will include necessary supplies and laundry.

#### E. Nonreimbursable Items

1. Optional insurance for rental car

2. Entertainment expenses, liquor purchases, and any expenses incurred by a spouse or guest traveling with an employee.